IPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: GERHARD SCHMID ET AL.-1

SERIAL NO.: 10/776,914 GROUP: 1761

FILED: FEBRUARY 11, 2004

TITLE: METHOD FOR REDUCING THE GLYCEMIC INDEX OF FOOD

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT OF DR. HOLGER POTTEN

MAIL STOP NON-FEE AMENDMENT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Examiner the attached Information Disclosure Statement, duly signed by Dr. Holger Potten, and the references listed on the enclosed Form PTO-1449 and attached thereto. The enclosed references are believed to be material to the examination of the above-identified application. As this Information Disclosure Statement (IDS) is being filed before the issuance of a first Official Action on the merits, it is believed that no fee is due. It is respectfully requested that the foregoing IDS be incorporated into the official file of the present patent application.

Respectfully submitted,
GERHARD SCHMID ET AL.-1

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Encs: Information Disclosure Statement of Dr. Holger Potten, European Search Report, Form PTO-1449 w/copies of fifty-two (52) references

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 12, 2004

Maria Guastella

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
SCHMID ET AL. :
Serial Number 10/776,914 : Group Art Unit: 1761
Filed: February 11, 2004 :
For: METHOD FOR REDUCING THE GLYCEMIC INDEX OF FOOD:

Information Disclosure Statement

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir or Madam:

I, Holger Potten, associated with the preparation and prosecution of the above-identified application, residing at Neubiberger Straße 17a, 81737 München, Germany, wish to call the attention of the Patent Examiner to the references enumerated on the enclosed PTO Form-1449.

I believe the documents enumerated on the enclosed Form PTO-1449 and attached thereto, are cited in the enclosed application as well as in the enclosed European Search Report and may be material to the examination of the application.

Therefore, it is respectfully requested that the foregoing Information Disclosure Statement be considered by the Examiner and incorporated into the file of this application.

I wish to comment as follows concerning the prior art references enumerated on PTO Form-1449:

Pszczola E. (1988), "PRODUCTION AND POTENTIAL FOOD APPLICATIONS OF CYCLODEXTRINS", Food Techn. Vol. 42, pages 96 – 100, cited in the application, are enclosed.

Allegre M. and Deratani A. (1994), "CYCLODEXTRIN USES: FROM CONCEPT TO INDUSTRIAL REALITY", Agro Food Industry Hi-Tech, vol. 5 (1), pages 9 – 17, cited in the application, are enclosed.

Hedges A. R., Shieh W. J. and Sikorski C.T. (1995), "USE OF CYCLODEXTRINS FOR ENCAPSULATION IN THE USE AND TREATMENT OF FOOD PRODUCTS", ACS Symposium Series No. 590, pages 60 – 71, cited in the application, are enclosed.

Yoshii H. et al., (1997), "OXIDATIVE STABILITY OF POWDERY TRIDOCOSAHEXAENOIN INCLUDED IN CYCLODEXTRIN AND ITS APPLICATION TO FINISH MEAL PASTE", Biosci. Biotech. Biochem. Vol. 61 (8), pages 1376 – 1378, cited in the application, are enclosed.

Yoshii H. et al., (1996), "OXIDATION STABILITY OF EICOSAPENTAENOIC AND DOCOSAHEXAENOIC ACID INCLUDED IN CYCLODEXTRINS" in: Proceedings of the Eigth International Symposium on Cyclodextrins, Szejtli J. and Szente L. (eds.), pages 579 – 582, cited in the application, are enclosed.

Park C.W. et al., (2002), "INCLUSION COMPLEX OF CONJUGATED LINOLEIC ACID (CLA) WITH CYCLODEXTRINS", J. Agricul. Food Chem., vol. 50 (10), pages 2977 – 2983, cited in the application, are enclosed.

Ohta Y. et al., (1995), "SUPPRESSION BY DEXTRINS AND POLYSACCHARIDES OF THE DECOMPOSITION OF ALLYL ISOTHIOCYANATE IN AQUEOUS SOLUTION" Nippon Nogeinagaku Kaishi J. Agricul. Chem. Soc. Japan, vol. 69 (9), pages 1175 – 1177, cited in the application, are enclosed.

Kollengode A. N. R. and Hanna M. A. (1997), "CYCLODEXTRIN COMPLEXED FLAVORS RETENTION IN EXTRUDED STARCHES", J. Food Sci., vol. 62 (5), pages 1057 – 1060, cited in the application, is enclosed.

Szente L. et al., (1998), "STABILIZATION AND SOLUBILIZATION OF LIPOPHILIC NATURAL COLORANTS WITH CYCLODEXTRINS", J. Incl. Phenomen. Molec. Recgn. Chem. Vol. 32, pages 81 – 89, cited in the application, are enclosed.

WHO Food Additives, Series, vol. 48, "SAFETY EVALUATION OF CERTAIN FOOD ADDITIVES AND CONTAMINANTS", pages 111 – 127, cited in the application, are enclosed.

FAO (1998), "Carbohydrates in Nutrition, FAO Food and Nutrition Paper vol. 66, pages 25 – 30, cited in the application, are enclosed.

Brand-Miller J. and Forster-Powell K. (1999); "DIETS WITH A LOW GLYCEMIC INDEX: FROM THEORY TO PRACTICE"; Nutrition Today vol. 34 (2), pages 64 – 72), cited in the application, are enclosed.

Augustin L. S. et al., (2002), "GYLCEMIC INDEX IN CHRONIC DISEASE: A REVIEW", Eur. J. Clin. Nutr. Vol. 56, pages 1049 – 1071, cited in the application, are enclosed.

For JP 8187060, cited in the application, an English Abstract is enclosed.

For JP 6343419, cited in the application, an English Abstract is enclosed.

For JP 6153860 cited in the application, an English Abstract is enclosed.

For JP 61233625, cited in the application, an English Abstract is enclosed.

For JP 62011072, cited in the application, an English Abstract is enclosed.

For JP 5336922, cited in the application, an English Abstract is enclosed.

For JP 59232054, cited in the application, an English Abstract is enclosed.

For JP 7115934, cited in the application, an English Abstract is enclosed.

For JP 8245302, cited in the application, an English Abstract is enclosed.

For JP 2265445, cited in the application, an English Abstract is enclosed.

For JP 3220117, cited in the application, an English Abstract is enclosed.

For JP 6016514, cited in the application, an English Abstract is enclosed.

For CA 2112277, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

For CA 2111474, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

For CA 2013485, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

For CA 1190430, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

For CA 2006304, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

For CA 2140170, cited in the application, an English Abstract of the Canadian Intellectual Property Office is enclosed.

CA 2293651, cited in the application, is enclosed.

CA 2295124, cited in the application, is enclosed.

For WO 0021382, cited in the application, an English Derwent Abstract is enclosed.

US 4,267,166, cited in the application, is enclosed.

US 2002/0122870 A1, cited in the application, is enclosed.

US 5,246,723, cited in the application, is enclosed.

EP 0 749 697 A1, cited in the application, is enclosed.

US 5,695,803, cited in the application, is enclosed.

ANNEX 1

Pszczola D. (1988), "PRODUCTION AND POTENTIAL FOOD APPLICATIONS OF CYCLODEXTRINS", Food Techn. Vol. 42, pages 96 – 100.

Allegre M. and Deratani A. (1994), "CYCLODEXTRIN USES: FROM CONCEPT TO INDUSTRIAL REALITY", Agro Food Industry Hi-Tech, vol. 5 (1), pages 9 – 17.

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Kollengode A. N. R. and Hanna M. A. (1997), "CYCLODEXTRIN COMPLEXED FLAVORS RETENTION IN EXTRUDED STARCHES", J. Food Sci., vol. 62 (5), pages 1057 – 1060.

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Augustin L. S. et al., (2002), "GYLCEMIC INDEX IN CHRONIC DISEASE: A REVIEW", Eur. J. Clin. Nutr. Vol. 56, pages 1049 – 1071.

ANNEX 2

English Abstract corresponding to JP 8187060.

English Abstract corresponding to JP 6343419.

English Abstract corresponding to JP 6153860.

English Abstract corresponding to JP 61233625.

English Abstract corresponding to JP 62011072.

English Abstract corresponding to JP 5336922.

English Abstract corresponding to JP 59232054.

English Abstract corresponding to JP 7115934.

English Abstract corresponding to JP 8245302.

English Abstract corresponding to JP 2265445.

English Abstract corresponding to JP 3220117.

English Abstract corresponding to JP 6016514.

English Derwent Abstract AN 1992-068562 corresponding to JP 04 011865 A.

English Derwent Abstract AN 1991-183206 corresponding to JP 03 112932 A.

English Derwent Abstract AN 1985-163264 corresponding to JP 60 094912 A.

English Derwent Abstract AN 1994-220438 corresponding to JP 06 153860 A.

Patent Abstract of Japan corresponding to JP 07 115934 A.

Patent Abstract of Japan corresponding to JP 11 032721 A.

Patent Abstract of Japan corresponding to JP 62 011072 A.

English Derwent Abstract AN 1988-002674 corresponding to JP 62 265230 A.

ANNEX 3

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2112277.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2111474.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2013485.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 1190430.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2006304.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2140170.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2293651.

English Abstract of the Canadian Intellectual Property Office corresponding to CA 2295124.

US 2002/0012733 A1, cited in the application, is enclosed.

US 2002/0172743 A1, cited in the application, is enclosed.

For JP 04 011865 A, cited in the European Search Report, the English Derwent Abstract AN 1992-068562 is enclosed.

For JP 03 112932 A, cited in the European Search Report, the English Derwent Abstract AN 1991-183206 is enclosed.

For JP 60 094912 A, cited in the European Search Report, the English Derwent Abstract AN 1985-163264 is enclosed.

For JP 06 153860 A, cited in the European Search Report, the English Derwent Abstract AN 1994-220438 is enclosed.

For JP 07 115934 A, cited in the European Search Report, a Patent Abstract of Japan is enclosed.

For JP 11 032721 A, cited in the European Search Report, a Patent Abstract of Japan is enclosed.

For JP 62 011072 A, cited in the European Search Report, a Patent Abstract of Japan is enclosed.

For JP 62 265230 A, cited in the European Search Report, the English Derwent Abstract AN 1988-002674 is enclosed.

Signed this 8th day of April, 2004.

.....
Dr. Holger Potten

FORM PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY DOCKET NO.: WB 10301 | SERIAL NO 10/776,914

APPLICANT: SCHMID ET AL.

FILING DATE: 02/11/04 | GROUP: 1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,267,166	5/12/81	Yajima			
	AB	20020122870	9/5/02	Mc Bride et al.			
	AC	5246273	9/21/93	Kameyama et al.			
	AD	20020012733	1/31/02	Kester et al.			
	AE	20020172743	11/21/02	Chawan			
	AF	5695803	12/9/97	Sharp et al.			
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
	AL	00/21382	4/20/00	International				
	AM	0749697	12/27/96	Europe				
	AN	2,293,651	12/17/98	Canada				
	AO	2,295,124	12/23/99	Canada				
	AP							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		English Abstract corresponding to WO 00/21382.
	AS		See ANNEX 1
			See ANNEX 2
	AT		See ANNEX 3

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.